

7 FAM 1560

POLITICAL ACTIVITIES AND THE OVERSEAS VOTING PROGRAM GUIDANCE

(CT:CON-407; 06-29-2012)
(Office of Origin: CA/OCS/L)

7 FAM 1561 SUMMARY

(CT:CON-337; 06-28-2010)

- a. This section highlights a few issues concerning political activities that are specific to the voting assistance program and the operation of U.S. political parties abroad. (See 3 FAM 4123.3 for general guidance on partisan political activities while abroad.)
- b. **Ethics Program Web site:** The Department's general guidance on permissible political activities by individuals is available on the Department's Ethics Program Web site. The Web site discusses the 1993 revisions to the Hatch Act (Public Law 103-94) and implementing regulations (5 CFR 734). In addition, it incorporates policy restrictions specific to the Department of State.
- c. Permissible political activities vary depending on the status of the employee (e.g., the rules for ambassadors and non-chief-of-mission (COM) Foreign Service (FS) officers are not identical).
- d. Violations of Hatch Act restrictions can lead to criminal and civil penalties, as well as disciplinary action.
- e. Questions in the area of political activities should be directed to L/EMP/Ethics by email at "Ethics Attorney Mailbox" or, if necessary, by phone at (202) 647-4646.
- f. See the U.S. Office of Special Counsel Web page for additional information about the rights of U.S. Government employees under the Hatch Act. This Web page is accessible from the Department's ethics program Web site.

7 FAM 1562 ELECTION ACTIVITIES ON U.S.

EMBASSY OR CONSULAR PREMISES

(CT:CON-337; 06-28-2010)

- a. Under 3 FAM 4123.3, employees **are generally prohibited** from engaging in any partisan political activities while at post.
- b. Voting Assistance Officers **may** brief and meet on embassy and consular premises with private U.S. citizen groups abroad about the overseas voting program.
- c. Voter registration drives on embassy or consulate premises **are permitted**.
- d. Partisan political rallies on embassy or consulate premises **are not permitted**.
- e. Posts abroad **may not** conduct polling or mock elections, in relation to either U.S. or foreign elections, tallying political preferences of post employees, dependents, or private citizens. There is one limited exception to this rule, reflecting that posts may conclude that a mock election would serve a legitimate public diplomacy purpose, and that mock elections have reportedly been a longstanding part of our public diplomacy efforts. Posts have the discretion to continue the practice of conducting mock elections, but only when they are held at the post-sponsored election-night events and when only foreign nationals who are at that event who are not U.S. Government employees are allowed to vote.
- f. Voting assistance officers **may not** participate in such mock election exercises at “American schools” abroad.

7 FAM 1563 PARTICIPATION BY VOTING ASSISTANCE OFFICER IN PARTISAN ELECTION EVENTS OUTSIDE CONSULAR PREMISES

(CT:CON-382; 07-12-2011)

- a. Voting assistance officers **may** attend meetings of private U.S. citizen groups to provide general information about the overseas voting program. However, they must avoid giving preferential treatment to any particular group or individual.

b. Here is some guidance relating to situations that arise frequently and the general issue of political neutrality:

- (1) **Newsletter or Messages for U.S. Citizens (See 7 FAM 058):** In newsletters, we can identify Democrats Abroad and Republicans Abroad, along with other U.S. citizen groups such as American Citizens Abroad (ACA), Association of Americans Resident Overseas (AARO), Federation of American Women's Clubs Overseas, Inc., or League of Women Voters, as sources for nonpartisan assistance with voter registration. Please note that the Federal Voting Assistance Program (FVAP) lists these groups on its Web site and in the Voting Assistance Guide. Voting assistance officers can write an article asking for voting volunteers who would be willing to work with the embassy or consulate (and its network of groups) to provide voting assistance for the coming year. (See 7 FAM 058 and 7 FAM 070 for guidance about Messages for U.S. Citizens and warden systems.) You **can** encourage the groups to advertise in the local English-language media;
- (2) **Events hosted by political parties:** Voting Assistance Officers **cannot** advertise partisan meetings or partisan fundraisers. If there is a partisan meeting, after which or before which there is nonpartisan voter registration, Voting Assistance Officers can advertise the voter registration portion and attend that voter registration effort to register and provide voting-related notarials. The two major political parties often hold joint, nonpartisan voter registration drives which Voting Assistance Officers can attend;
- (3) **Speaking to Democrats Abroad and Republicans Abroad:** To appear nonpartisan, Voting Assistance Officers should plan to talk to both groups. Voting Assistance Officers can discuss the post's role in providing voting assistance and education to U.S. citizens in the consular district. They can ask both groups to hold nonpartisan voter registration events to help reach out to all U.S. citizens, and can give guides, election calendars, and motivational posters to both groups;
- (4) **Events that the embassy/consulate hosts:** Voting Assistance Officers can send out a note that Republicans Abroad and Democrats Abroad will be in attendance at an embassy-hosted town hall meeting to handle nonpartisan voter registration, and can invite both groups to staff a voter registration booth at the July 4th event. Voting Assistance Officers' booths can have signs that say "**VOTE!**" or "**Register to vote here**" or something similar, but they should not contain any signs that identify candidates or support either party;

- (5) **What Voting Assistance Officers cannot do:** They cannot provide partisan information on candidates and issues to U.S. officials or U.S. Government employees, private U.S. citizens, or military personnel. Further, they cannot distribute any literature from candidates or partisan organizations; and
- (6) **What Voting Assistance Officers can do as private citizens employed by the U.S. Government:** See the Department's Ethics Program Web site and the U.S. Office of Special Counsel Web page for information about the rights of U.S. Government employees under the Hatch Act.

7 FAM 1564 THROUGH 1569 UNASSIGNED